



Codex Work and its Impact on Natural Mineral Waters

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Budapest, 5 October, 2010



The European Federation of Bottled Water

2

Who are we?

- ❑ The European Federation of Bottled Water (EFBW) is a non-profit trade association representing the European bottled water industry.
- ❑ Offices based in Brussels, Belgium

Our Members

- ❑ 24 national trade associations (22 countries across Europe)
- ❑ Representing 500 producers of bottled water

The European Federation of Bottled Water

3

EFBW is a member of:

- ❑ **CIAA** – The European Food and Drinks Federation
- ❑ **ICBWA** – International Council of Bottled Waters Association, with NGO observer status at Codex



EFBW
(NMW)

IBWA
(Drinking water)

Bottled Water Legislation: sources

4

World Health Organisation (WHO)
“Guidelines”



Codex Alimentarius Commission (WHO + FAO)
“Standards”



European Union (EU)

“Directives”, “Regulations”, “Decisions”

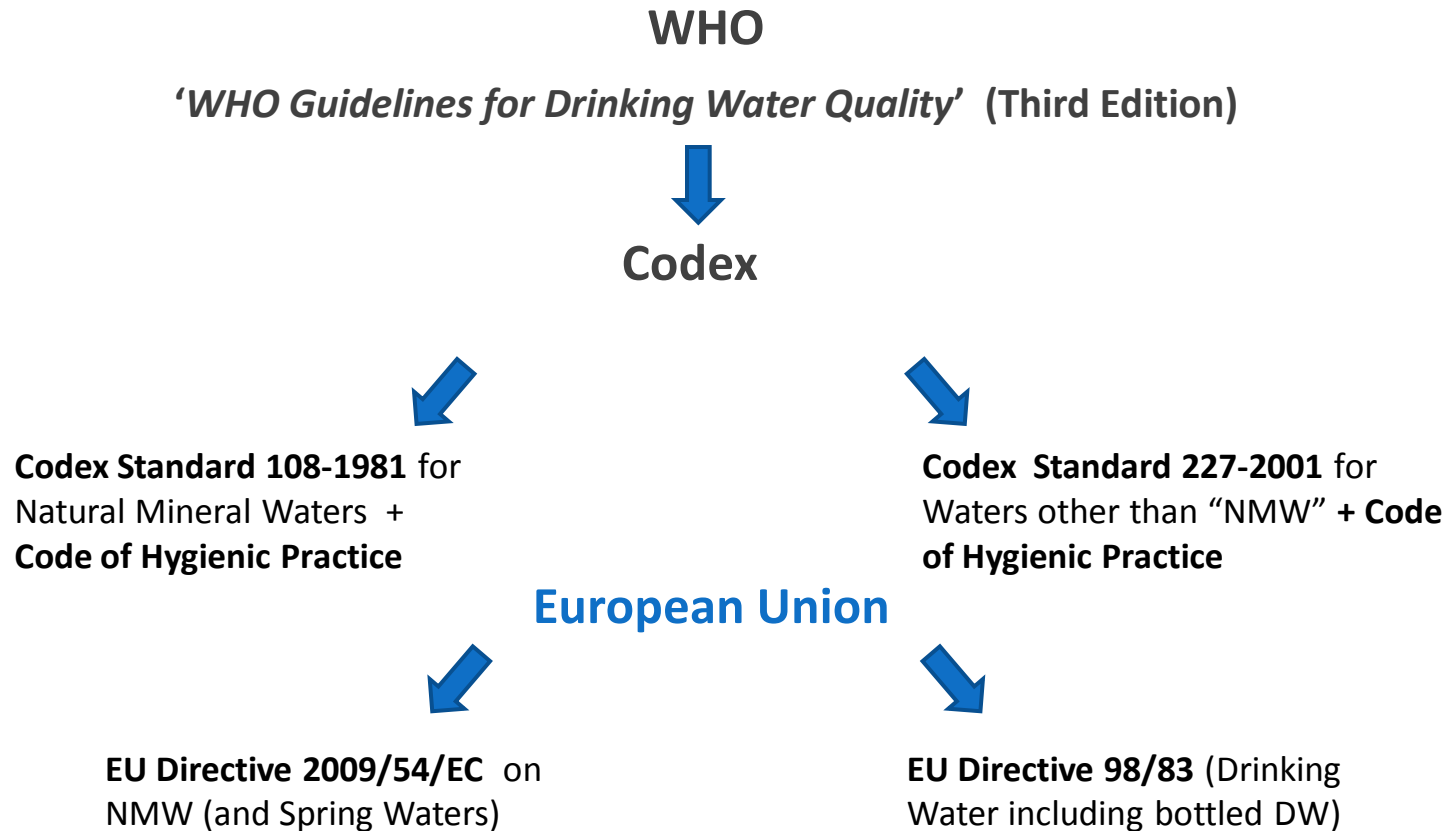


Laws of 27 EU Member States

(France, Germany, Hungary, Italy, UK....)

Specific Bottled Water Legislation

5



About Codex Alimentarius in General

6

□ **What is Codex Alimentarius?**

A collection of internationally recognised standards, codes of practice etc. relating to foods, food production and food safety

□ **Who is responsible for adopting those standards?**

The Codex Alimentarius Commission, (CAC) composed of

- Members (< 200 countries, including Hungary)
- Non Governmental Organisations (incl. trade associations)

□ **What about EFBW ?** Presence ensured via ICBWA – with NGO observer status:

- if NMW issue: seat occupied by EFBW
- if DW issue: seat occupied by American bottled water association - IBWA

Codex Alimentarius: impact?

7

- **In what way can Codex standards impact a Hungarian bottler?**
 - **Reference for international trade:**

Compliance of a NMW with Codex specifications will facilitate its export to other countries (outside of EU)

Ex: export of a Hungarian natural mineral water to USA or import into Hungary of a Georgian water...
 - **Major influence on the content of EU/national legislation**

(see hereafter EU Directive on Natural Mineral Water)
- **Controversy:** Are Codex standards binding upon Member States or not?

Codex Standard 108 -1981 for NMW

8

Content:

- Definition of natural mineral water: underground origin, stable composition, no treatments etc.
- Other definitions: 'naturally carbonated', non-carbonated etc...
- Treatments: **only** separation of unstable constituents
- Health-related limits (see hereafter)
- Exploitation: no transport in bulk container, no pollution etc.
- Hygiene: microbiological requirements
- etc...

NMW Standard: Health related limits

9

	<u>Codex (mg/l)</u>	<u>EU (mg/l)</u>
Antimony	0.005	0.005
Arsenic	0.01 (as total)	0.01(as total)
Barium	0.7 (WHO 0.7)	1.0
Borate	5.0 (WHO 0.5)	NA (new WHO 2.7???)
Cadmium	0.003	0.003
Chromium	0.05	0.05
Copper	1.0	1.0
Cyanide	0.07	0.07
Fluoride	*/1/1.5	5.0/1.5
Lead	0.01	0.01
Manganese	0.4 (WHO 0,4)	0.5
Mercury	0.001	0.001
Nickel	0.02	0.02
Nitrate	50.0	50.0
Nitrite	0.1	0.1
Selenium	0.01	0.01

- If more than 1mg/l → labelled « contains fluoride »
- If more than 1.5 mg/l → labelled « not suitable for infants & children <7yrs

Codex – WHO versus EU

10

- ❑ **Great similarity between Codex and EU NMW legislation for NMW, but**
- ❑ **Still some important discrepancies:**
 - Treatments (unstable elements only in Codex),
 - Different limits for boron, barium and manganese
 - Microbiological criteria
- ➔ **EU Commission willingness to harmonise limits:**
 - In 2006: EU enquiry on boron, barium, manganese etc.. ('impact assessment' requested from Member States and EFBW);
 - EU Work postponed following Codex decision to revise NMW standard in 2007 and recently in 2010.

Codex: challenge for EU NMW Industry

11

- ❑ Codex = basis for EU food legislation, BUT
- ❑ Codex limits tend to be based on WHO Guidelines for Drinking Water

HOWEVER

- WHO guidelines are primarily aimed for public distribution water (tap) → do not take into account NMW specificities
 - Europe is practically the only continent where Natural Mineral Water is produced
→ very poor knowledge of NMW specificities in the other countries members of Codex
- Risk of 'copy paste' drinking water legislation into NMW legislation!

Codex: DW versus NMW

12

- WHO/Codex limit on **manganese** at 0.4 mg/l for DW is justified by quality reason: willingness not to discourage people from drinking unclear tap water (same compulsory limit for NMW bottlers has little sense)
- WHO/Codex limit for **boron** in DW is linked to the presence of detergents (again little sense for NMW)

Codex: challenge for EU NMW Industry

13

- ❑ Very important for national delegations to be present at Codex meetings
- ❑ Very important for EU industry to be represented as well (NB: EFBW always present via ICBWA, its global association)
- ❑ Points to be made:
 - NMW are different from tap water (underground origin, protection of the sources, natural origin of some constituents etc.)
 - NMW consumption patterns are different from tap water (not two liters per day per consumer but less on average 30 cl!)
 - Highly mineralised waters are consumed in small quantities (low exposure)
- ➔ Both categories should be treated differently!

Ongoing work at Codex level

14

❑ **Codex Committee on Contaminants in Food (CCCF – NL hosting)**

- In March 2010; the CCCF has decided to review existing Codex limits for health-related substances in NMW (boron, manganese etc.), and
- Set maximum limits for other compounds (e.g. pesticides)

➔ **Could have a direct impact on EU legislation for natural mineral waters:**

Results of the work could lead EU Commission to:

- Revise current limits for some natural constituents (boron, manganese)
- Introduce new limits for some contaminants (currently absent from EU legislation, see Josep Molas presentation on 'original purity').

Codex Work

15

- ❑ **Codex Committee on Methods of Analysis and Sampling (CCMAS) – Hungary hosting Country)**
 - Request from Kenya for additional guidance on methods of analysis for NMW (previous were obsolete)
 - Work carried out by the CCMAS to update the recommended methods of sampling and analysis for natural mineral waters (Budapest)
 - Work formerly adopted by Codex Commission in July 2010
- ➔ **Revised Standard will provide assistance to developing countries and enhance industry's image on the global scene**

Other legal issues for EU bottlers

16

□ What is water and what is NOT water?

- Article 4.2° Directive 2009/54/EC on Natural Mineral Water: «Only CO2 may be added to natural mineral water and spring water»
- Article 4.4° Directive 2009/54/EC: «NMW/SW may be used in the manufacture of soft drinks»
- Increased presence on the products called «... water » despite the presence of sweeteners, flavorings, colourings or other...

➔ **Water + Sugar/flavour/sweetener/flavour = a drink!**

Other legal issues for EU bottlers

17

□ Trade names

- **Article 8.2°** Dir. 2009/54/EC: one spring → one trade description
- What about retailer brands? (little known brands sometimes paced for two or more retailers: practice unknown in 1980)
- No official guidelines from EU Commission: uncertainty
- Spanish interpretation: add 'distributed by' + retailer name (but recent incorporation of that condition into Spanish Draft led to comments from Commission and withdrawal).
- Solution: indication of the name of spring or place of exploitation one and a half times bigger than retailer brand?

Conclusion

18

Thank you for your attention!

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www.efbw.org

